

COURTROOM MINUTE SHEET

DATE 8-24-16

CIVIL NO. CIV-14-964 -F

Jesse B. Diaz -vs- Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENCED 10:45 ENDED 11:05 TOTAL TIME 20 min.

PROCEEDINGS Hearing on motion for sanction of dismissal

JUDGE STEPHEN P. FRIOT DEPUTY LORI GRAY REPORTER TRACY WASHBOURNE

PLF COUNSEL (attorney Michael Johnson does not appear)

DFT COUNSEL Richard Mann, Marie Schuble

Defense counsel requests that the court dismiss the case with prejudice due to plaintiff's counsel's failure to respond to discovery, failure to respond to the pending motion, and failure to appear at this hearing. The court hears from defense counsel as to plaintiff's counsel's complete failure to comply with routine discovery.

It is the court's conclusion that the complete failure of the plaintiff, through counsel, to comply with routine discovery is prejudicial to the defendant and hamstring the defendant in being able to bring this case to a resolution, all as stated by the court at length on the record.

The court deems the matters in the requests for admissions to be admitted for purposes of this case and should the case be refiled; **DISMISSES this case without prejudice**; retains jurisdiction in this case for the purpose of entertaining a motion for recovery of attorney's fees in case a claim substantially similar to the claim asserted in this case is filed in any other court; and requires payment of attorney's fees in the amount of \$1,650.00 as a condition for the refiling of this case in this court or as the amount that the court will entertain awarding in a motion to be filed in this court if the same or similar claim should be filed in any other court.

Defendant's Motion for Sanction of Dismissal (doc. no. 42) is **GRANTED** to the extent set forth above.

Defendant's Motion for Summary Judgment (doc. no. 44) is **STRICKEN AS MOOT**.